

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**BRIAN CALLERY**

**Plaintiff,**

**v.**

**HOP ENERGY, LLC**

**Defendant.**

**CIVIL ACTION NO. 20-3652**

**ORDER**

**AND NOW**, this 22nd day of March 2023, upon consideration of Defendant’s Renewed Motion to Dismiss [Doc. No. 45] and the responses and replies thereto, it is hereby **ORDERED** that the Renewed Motion to Dismiss is **GRANTED in part** and **DENIED in part** as follows:

1. Plaintiff’s claim for the breach of the covenant of good faith and fair dealing (“Count Two”) is **DISMISSED**.
2. Plaintiff’s request for punitive damages under Pennsylvania’s Unfair Trade Practices and Consumer Protection Law is **DENIED**.
3. The Renewed Motion to Dismiss is **DENIED** in all other respects.

It is **FURTHER ORDERED** that Defendant shall respond to Plaintiff’s Complaint within **14 days** from the date of this Order.

It is so **ORDERED**.

**BY THE COURT:**

**/s/ Cynthia M. Rufe**

---

**CYNTHIA M. RUFE, J.**